THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.26977 of 1997

DATED: 24.04.2007

Between:

G.Nagadhar .. Petitioner

And

The Chairman,
Sri Satavahana Grameena Bank,
Karimnagar District. .. Respondent

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.26977 of 1997

ORDER:

This Writ Petition is filed seeking mandamus with the following reliefs:-

> "(i) declaring the action of the respondent in not inviting the petitioner for the interview for the post of MMGs-II, in terms of Circular No.Per/12/1997-98 dated 20.09.1997, as illegal, arbitrary and without jurisdiction;
>
> (ii) direct the respondent to consider petitioner's case for the post of MMGs-II, along with other candidates, who are being considered in terms of Circular No.Per/12/1997-98 dated 20.09.1997 and promote him as MMGs-II; &
>
> (iii) pass any such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The controversy that arises for consideration in this Writ Petition is very simple and it is as follows:

> Whether the petitioner is entitled to continue the services rendered in the post of Field Supervisor with effect from 01.09.1987 or from 22.02.1991, from which date effectively the post of Field Supervisors, Branch Managers etc. were merged into one category as JMS-I for the purpose of promotion to the post of MMGs-II?

3. Admittedly, the posts of Field Supervisors, Branch Managers etc. were amalgamated and merged into one category as JMS-I on 22.02.1991 with effect from 01.09.1987. The next promotion for category JMS-I is MMGs-II. The eligibility for promotion to the post of MMGs-II is that one should be a graduate and should have put in eight years of service in the category of JMS-I.

4. It is the case of the petitioner that he was not called for interview when the interviews for the post of MMGs-II were conducted in the year 1997 and the respondents have stated that one must have completed eight years of service for the purpose of promotion to the post of MMGs-II with effect from 22.02.1991, but not from 01.09.1987. Further once the posts of Field Supervisors, Branch Managers etc. are merged with effect from 01.09.1987, computing of his service for the purpose of promotion to the higher post from 22.02.1991 is illegal.

5. In the counter filed by the respondent, it is asserted that the petitioner is not qualified enough to be called for interview for promotion from the Officer scale-I to Officer scale-II, since his service as an Officer in RRB will be counted from 22.02.1991 and thus, he did not have the required service of eight years as on the date of interview. It is further the case of the respondent that the other Field Supervisors, though they were recruited as Field Supervisors, were promoted as Branch Managers in the year 1988 from Field Supervisor cadre and hence, they have put in the required service of eight years in the cadre in the capacity of Branch Manager since 1988 and they were also called for interview in terms of circular dated 20.09.1997. The respondent also states that the interviews were conducted as per the existing guidelines in force and issued from time to time by the

NABARD/Government of India.

6 . In annexure-II of NABARD's letter No.IDD.RRCBD No.C.4559/316 (Gen)-92/93, dated 20th March, 1993 addressed to all sponsoring Banks as well as RRBs for implementing the National Industrial Tribunal Award read with equation committee recommendations working group report on RRBs, it is clearly mentioned as hereunder:-

> **"Seniority of Field Supervisors, Branch Managers and Junior Clerk-cum-Cashiers, Senior Clerk-cum-Cashiers after 1.9.87**
>
> GOI, vide circular dated 22.2.1991, have abolished the posts of Sr.Clerk-cum-Cashiers and Field Supervisors retrospectively from 1.9.1987. However, during the interrugum i.e., from 1.9.1987 to 22.2.1991, the RRBs had recruited a few Field Supervisors, Officers and Junior Clerk-cum-Cashiers and/or effected promotions from Junior Clerk-cum-Cashiers to senior Clerk-cum-Cashiers, Senior Clerk-cum-Cashiers to Field Supervisors and Field Supervisors to Officers. The issue, therefore, was preparing a common seniority list for clerical and officer cadre on just and reasonable basis.
>
> It has been decided that as on 22.2.1991, all the Branch Managers/Officers should rank above the Field Supervisors in the combined seniority list. On the same analogy, the Senior Clerk-cum-Cashiers will rank senior to the Junior Clerk-cum-Cashiers."

From the above, it is clear that the service of Officers those who worked in JMS-I i.e., Field Supervisors and Branch Managers were not taken into consideration for the purpose of seniority with effect from 01.09.1987, the date with effect from which the posts were merged, but

it was taken from 22.02.1991 in respect of their cadre. Even the petitioner could not demonstrate as to any one of the Officers, who were called for interview and promoted to the post of MMGs-II did not put in eight years of service from 22.02.1991 onwards or their services were reckoned for the purpose of completion of eight years service in JMS-I with effect from 01.09.1987.

7. Under these circumstances, the Writ Petition is devoid of merits and is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. No order as to costs.

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(C.V.RAMULU, J)

24-04-2007
v v